



Pines Bach LLP
122 W Washington Ave, Ste 900
Madison, WI 53703

608.251.0101 Phone
608.251.2883 Fax
pinesbach.com

FILED
02-08-2023
Clerk of Circuit Court
Waukesha County
2022CV001336

Attorney Diane M. Welsh
dwelsh@pinesbach.com

February 8, 2023

VIA ELECTRONIC FILING ONLY

The Honorable Michael P. Maxwell
Waukesha County Circuit Court
515 W. Moreland Blvd.
Courtroom C267
Waukesha, WI 53188

Re: Braun v. Wisconsin Elections Commission
Waukesha Co. Case No. 2022CV1336

Dear Judge Maxwell:

Vote.org submits this letter to withdraw one argument made in its *amicus curiae* brief filed on February 3.

On page 14 of that brief, Vote.org stated that Plaintiff Richard Braun failed to serve the Joint Committee for Review of Administrative Rules (JCRAR) as required by Wis. Stat. § 227.40(5) for claims brought under that Section. As Vote.org's brief made clear, Vote.org made this argument based on the representation by the Wisconsin Elections Commission that JCRAR had not been served. *See* Dkt. 82 at 17-18. Braun had not filed proof of service with the Court, which is customarily done by plaintiffs to show compliance with Wis. Stat. § 227.40(5). In briefing in the Court of Appeals, Braun has now submitted evidence that he served JCRAR on September 19, 2022.

Accordingly, Vote.org withdraws the paragraph in question. For the other reasons given in Vote.org's and WEC's briefs, summary judgment should be granted to WEC.

Sincerely,

PINES BACH LLP

A handwritten signature in black ink that reads "Diane M. Welsh".

Diane M. Welsh